

Message Text

UNCLASSIFIED

PAGE 01 STATE 104328

43

ORIGIN L-03

INFO OCT-01 IO-13 ISO-00 EB-07 CCO-00 CIAE-00 OTPE-00

FCC-02 INR-07 NSAE-00 OC-05 USIA-15 COME-00 BIB-01

/054 R

DRAFTED BY L/T:WMMCQUADE:EEC

APPROVED BY L/T:AWROVINE

IO/TRC - MR. WEBB

EB/TD - MR. FREEMAN

L/EB (INFO)

----- 006793

P 301924Z APR 76

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

UNCLAS STATE 104328

E.O. 11652: N/A

TAGS: ETEL, ITU, PFOR

SUBJECT: ITU: RATIFICATION OF MALAGA-TORREMOLINOS CONVENTION - U.S. RESERVATION

REF: GENEVA 03202

1. SUMMARY: DEPT PERCEIVES NO LEGAL INCONSISTENCY BETWEEN U.S. RESERVATION TO ITU CONVENTION AND U.S. RATIFICATION OF TELEPHONE REGULATIONS.

2. QUOTED PORTION OF U.S. RESERVATION IN PARA 3 REFTEL OMITTS THE PORTION OF THE RESERVATION WHICH RESOLVES THE "INCONSISTENCY" ALLEGED BY ITU EXTERNAL RELATIONS OFFICE. THE U.S. RESERVATION STATES "THE UNITED STATES OF AMERICA FORMALLY DECLARES THAT THE UNITED STATES OF AMERICA DOES NOT, BY SIGNATURE OF THIS CONVENTION ON ITS BEHALF, ACCEPT ANY OBLIGATION IN RESPECT OF THE TELEPHONE REGULATIONS OR

UNCLASSIFIED

PAGE 02 STATE 104328

THE ADDITIONAL RADIO REGULATIONS REFERRED TO IN ARTICLE 42

OF THE INTERNATIONAL TELECOMMUNICATION CONVENTION (MALAGA-TORREMOLINOS, 1973) AND IN ARTICLE 82 OF THE GENERAL REGULATIONS THEREOF." THE EMPHASIS HERE IS ON "BY SIGNATURE OF THIS CONVENTION ON ITS BEHALF"; THAT IS TO SAY THE USG ACCEPTS ;O OBLIGATION WITH RESPECT TO TELEPHONE REGS AS THE RESULT OF SIGNATURE OF T,E MALAGA-TORREMOLINOS ITU CONVENTION ON ITS BEHALF. THAT STATEMENT REMAINS AS VALID TODAY

AS WHEN IT WAS MADE AT THE TIME OF SIGNATURE OF THE ITU CONVENTION ON OCTOBER 25, 1973. IT IS RATHER, AS THE RESULT OF SIGNATURE OF THE TELEPHONE REGULATIONS ON BEHALF OF THE UNITED STATES ON APRIL 11, 1973, AND SUBSEQUENT COMPLETION OF USG CONSTITUTIONAL PROCEDURES REGARDING THAT ACTION AND DEPOSIT OF THE USG INSTRUMENT OF RATIFICATION OF THAT ACTION WITH THE ITU THAT THE USG ACCEPTS OBLIGATIONS IN RESPECT OF THE TELEPHONE REGULATIONS.

3. WHEN THE NEW TELEPHONE REGULATIONS WERE SIGNED ON BEHALF OF THE USG ON APRIL 11, 1973, THE DEPARTMENT WAS AWARE THAT IT WOULD BE LIKELY THAT THE USG WOULD, FOR THE FIRST TIME, BECOME A PARTY TO THE TELEPHONE REGULATIONS BECAUSE OF THE FAVORABLE RESOLUTION OF THE BALANCES OF ACCOUNTS APPENDIX. THOUGH THE ITU CONVENTION WAS SIGNED SUBSEQUENTLY (AUGUST 25, 1973) IT WAS THEN NECESSARY TO MAKE THE RESERVATION BECAUSE THE OLD TELEPHONE REGULATIONS TO WHICH THE USG COULD NOT BECOME A PARTY, AT THAT TIME REMAINED IN FORCE AND PURSUANT TO CHAPTER 13 OF THE ITU CONVENTION IT COULD HAVE BEEN ARGUED THAT USG ASSURED OBLIGATIONS UNDER THOSE OLD REGULATIONS, ABSENT THE RESERVATION. THE RESERVATION WAS RETAINED INTACT BECAUSE, OF COURSE, IT WAS NOT CERTAIN THAT THE USG WOULD BE ABLE TO BECOME A PARTY TO THE TELEPHONE REGULATIONS UNTIL THEY WERE APPROVED BY THE SENATE, WHICH FINALLY HAPPENED, AS NOTED REFTEL, AT NEARLY THE SAME TIME.

4. IN ADDITION TO HAVING BEEN (AND CONTINUING TO BE) OF THE FIRM OPINION THAT THERE EXISTS NO LEGAL DIFFICULTY WITH THIS SITUATION, DEPT OFFICERS DECIDED IT WOULD BE INAPPROPRIATE TO SEEK A REVISED RESERVATION, JUST FOR THE SAKE OF NEATNESS, AFTER THE SENATE HAD GIVEN ITS ADVICE
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 104328

AND CONSENT TO THE TELEPHONE REGS BECAUSE TO HAVE DONE SO WOULD HAVE NECESSITATED RETRANSMITTING THE MATTER TO THE SENATE AND AT LEAST SOME DELAY IN THE USG DEPOSIT OF ITS INSTRUMENT OF RATIFICATION TO THE ITU (MALAGA-TORREMOLINOS) CONVENTION.

5. MISSION REQUESTED TO ADVISE ITU EXTERNAL RELATIONS OFFICE PER ABOVE AND REPORT REACTION TO DEPT (ATTENTION

L/T). SISCO

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, TELECOMMUNICATION, POLICIES, MALAGA-TORREMOLINOS CONVENTION, TELEPHONE SYSTEMS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE104328
Document Source: CORE
Document Unique ID: 00
Drafter: WMMCQUADE:EEC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760166-1083
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976042/aaaaaays.tel
Line Count: 116
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 GENEVA 3202
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 04 OCT 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 OCT 2004 by cookms>; APPROVED <02 NOV 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ITU: RATIFICATION OF MALAGA-TORREMOLINOS CONVENTION - U.S. RESERVATION
TAGS: ETEL, PFOR, US, ITU
To: GENEVA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006